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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,730	07/26/2001	Michael L. Lister	SAFE-003	9443

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EXAMINER

SHIN, KYUNG H

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/916,730

Applicant(s)

LISTER, MICHAEL L.

Examiner

Kyung H Shin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responding to application papers dated 7/26/2001
2. Claims **1-28** are pending. Independent claims are **1 and 15**.

Claim Rejections – 35 USC § 102

3. The following is a quotation of appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-6, 8, 9, 13-20, 22, 23, 27, 28**, are rejected under 35 U.S.C. 102(e) as being unpatentable over **Combar et al.** (US Patent No. 6,470,386: Integrated proxy interface for web based telecommunications management tools, Filed on Sep. 24, 1998).

Regarding Claim 1, Combar discloses a method for a proxy server module to monitor and gather statistical information on the communication traffic between a client workstation and a telecommunication network comprising the steps of:

configuring the client application of the client workstation to route selected application services through selected proxy ports; receiving the selected application services at the selected proxy ports; (see col. 7, lines 26-39: application services are connected via a socket connection which is defined by IP address and selected port number; col. 4, lines 29-33: services available via proxy servers)

analyzing performance parameters from the received application services at the selected proxy ports; (see col. 10, lines 60-64: monitor network throughput)

logging the analyzed performance parameters to build statistics; (see col. 11, lines 45-47: store statistics data)

transmitting asynchronously the statistics to a network administrator; (see col. 4, lines 55-60: statistics available to administrator via GUI interface)

transferring the bi-directional selected application services between the proxy ports and other network ports; connecting the selected application services at network sockets (i.e. ports) to a WAN node. (see col. 6, lines 22-31: connect through firewall using TCP/IP sockets (i.e. ports) to WAN and/or Internet)

Regarding Claims 2, 3, 4, 16, 17, 18, Combar discloses the method, computer program as recited in claim 1, 15, wherein said client workstation is a personal

computer (see col. 4, lines 13-16: client workstation, i.e. PC system) configured for the client application, wherein said client application is a Web browser such as any one of Microsoft Internet Explorer or Netscape Navigator. (see col. 5, lines 3-9: web browser)

Regarding Claims 5, 19, Combar discloses the method, computer program as recited in claim 4, 18, wherein the selected application services comprises HTTP, HTTPS and SOCKS4 application level protocols. (see col. 5, lines 65 - col. 6, line 5: HTTPS protocol; SOCKS4 features: setup/initiate proxy server connections; relay applications data. Reference setup/initiate socket connections; Reference uses proxy server software.)

Regarding Claims 6, 20, Combar discloses the method, computer program as recited in claim 5, 19, wherein said selected proxy ports are selected unused identification ports selected by the network administrator and governed by TCP/IP protocol. (see col. 6, lines 22-24: communications under control of TCP/IP)

Regarding Claims 8, 22, Combar discloses the method, computer program as recited in claim 1, 15, wherein said proxy server is essentially transparent to the network. (see col. 8, lines 52-56: identity of proxy server applications is obscured (i.e. "hidden") equivalent to transparent)

Regarding Claims 9, 23, Combar discloses the method, computer program as recited

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in claim 1, 15, wherein said transferring comprises transferring the selected application services between said proxy ports and assigned standard network ports governed by TCP/IP. (see col. 6, lines 22-31: TCP/IP defined sockets (i.e. ports) are selected for usage)

Regarding Claims 13, 14, 27, 28, Combar discloses the method, computer program as recited in claim 1, 15, wherein said WAN node is a network server such as an Internet Web server. (see col. 5, lines 3-9: web server)

Regarding Claim 15, Combar discloses a computer program of a proxy server module embodied on a computer readable medium to monitor and gather statistical information on the communication traffic between a client workstation and a telecommunication network comprising:

- a code segment to configure the client application of the client workstation to route selected application services through selected proxy ports; (see col. 7, lines 26-39)

- a code segment to analyze performance parameters from the received application services at the selected proxy ports; (see col. 10, lines 60-64)

- a code segment to log the detected performance parameters; (see col. 11, lines 45-47)

- a code segment to asynchronously transmit the statistics to a network administrator; (see col. 4, lines 55-60)

a code segment to transfer the bidirectional selected application services between the proxy ports and other network ports; a code segment to enable the selected application services at the network ports to connect to a WAN node.
(see col. 6, lines 22-31)

Claim Rejection – 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 7, 10-12, 21, 24-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Combar et al. (US Patent No. 6,470,386) in view of **Jackowski et al.** (US Patent No. 6,141,686: Client-side application-classifier gathering network-traffic statistics and application and user names using extensible-service provider plugin for policy-based network control).

Combar discloses a web-based telecommunications traffic monitoring system.
(see Combar col. 1, lines 48-53: "...*Web-based monitoring system that enables a customer of a telecommunications service provider to request and view, in real-time, telecommunication network traffic and statistical data pertaining to that customer's inbound, toll free, and outbound telecommunications network traffic..*")

Regarding Claims 7, 21, Combar does not disclose the processing of specific network performance parameters such as response time, latency (i.e. delay) parameters, total bytes transmitted/received, bandwidth. However, Jackowski discloses the method, computer program as recited in claim 5, 19, wherein said performance parameters comprises the target server response time, the transmit and receive pre-delay, total bytes transmitted/received, total transmit/receive delay, total time and the Request/Response header object. (see col. 11, lines 42-47)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Combar to include the usage of network performance parameters such as response time, latency (i.e. delay) parameters, total bytes transmitted/received, bandwidth as taught by Jackowski. One of ordinary skill in the art would be motivated to modify Combar in order to enhance the monitoring and processing of telecommunications traffic. (see Jackowski col. 6, lines 43-44:
"...invention relates to an improvement in network policy servers and their clients.")

Regarding Claims 10, 24, Combar does not disclose using bandwidth and latency (i.e. delay) controls to affect application processing. However, Jackowski discloses the method, computer program as recited in claim 1, 23, wherein said step of transferring comprises transferring the selected application services between proxy ports and other network ports via bandwidth and latency control. (see col. 15, lines 35-42)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Combar to using bandwidth and latency (i.e. delay)

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controls to affect application processing as taught by Jackowski. One of ordinary skill in the art would be motivated to modify Combar in order to enhance the monitoring and processing of telecommunications traffic. (see Jackowski col. 6, lines 43-44:

"...invention relates to an improvement in network policy servers and their clients. ")

Regarding Claims 11, 25, Combar does not disclose the processing of specific network performance parameters such as response time, latency (i.e. delay) parameters, total bytes transmitted/received, bandwidth. However, Jackowski discloses the method, computer program as recited in claim 10, 24, wherein the network administrator access comprises:

bandwidth and latency adjustment of the selected application services proxy and network port selection; performance parameter selection; proxy server module application changes; and statistical results. (see col. 10, lines 19-26: GUI interface select report types; report profiles (performance parameter selections); statistics displayed)

Regarding Claims 12, 26, Combar discloses the method, computer program as recited in claim 11, 25, where the network administrator is provided access at said client workstation or from a remote terminal connected to the network. (see col. 4, lines 55-64)

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyung H Shin whose telephone number is 703-305-0711. The examiner can normally be reached on 9 am - 7 pm.

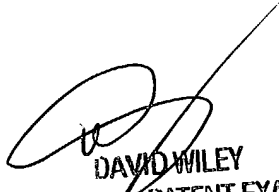
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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KHS
Kyung H Shin
Patent Examiner
Art Unit 2143

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Sep. 30, 2004


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